AMENDMENTS TO THE CLAIMS:

This listing of the claims will replace all prior versions, and listings, of the claims in this application.

Please cancel claim 29 without prejudice or disclaimer.

Listing of Claims:

1. (Currently Amended) An apparatus, comprising:

a controller; and

a memory,

the controller, in conjunction with the memory, configured to cause the apparatus to perform actions as follows:

alert a user to an incoming call by playing a musical audible alert;

in response to the user input being activated to answer the incoming call, cause an audio output section to terminate the ~~a~~ musical audible alert while the musical audible alert is being played~~,~~ in response to user input ~~or after the musical audible alert has been playing for more than a predetermined threshold duration,~~ by playing a replacement musical sequence~~,~~ ~~where the replacement musical sequence is played~~ as a conclusion of the musical audible alert.

2. (Cancelled).

3. (Previously Presented) The apparatus as claimed in claim 1, wherein the audio output section comprises a synthesizer.

4. (Previously Presented) The apparatus as claimed in claim 3, wherein the synthesizer processes a data stream representative of the musical audible alert in real time.

5. (Previously Presented) The apparatus as claimed in claim 4, wherein the audio output section is arranged to vary the data stream in real time to introduce the replacement

musical sequence.

6. (Previously Presented) The apparatus as claimed in claim 3, wherein the synthesizer is polyphonic.

7. (Previously Presented) The apparatus as claimed in claim 1, wherein the memory is configured to store a file for producing the musical audible alert.

8. (Previously Presented) The apparatus as claimed in claim 7, wherein the file comprises a series of conditional branch markers, each marker indicating a time for a conditional branch to a replacement musical sequence.

9. (Previously Presented) The apparatus as claimed in claim 1 further comprising a radio transceiver configured to download data representing the replacement musical sequence.

10. (Previously Presented) The apparatus as claimed in claim 1, wherein the replacement musical sequence is of limited duration.

11. (Previously Presented) The apparatus as claimed in claim 1, wherein the replacement musical sequence is pre-determined.

12. (Previously Presented) The apparatus as claimed in claim 11, wherein the replacement musical sequence is stored in a musical instrument digital interface track of a musical instrument digital interface file.

13. (Previously Presented) The apparatus as claimed in claim 1 wherein the audio output section is configured to terminate the musical audible alert by introducing and playing any one of a plurality of pre-determined replacement musical sequences.

14. (Previously Presented) The apparatus as claimed in claim 13, wherein each

individual one of the plurality of pre-determined replacement musical sequences is associated with a particular portion of the musical audible alert.

15. (Previously Presented) The apparatus as claimed in claim 1, wherein the replacement musical sequence is automatically generated.

16. (Previously Presented) The apparatus as claimed in claim 15, wherein the generated replacement musical sequence is dependent upon information characterizing the musical qualities of the musical audible alert.

17. (Previously Presented) The apparatus as claimed in claim 1, wherein the replacement musical sequence varies any one or more of: the arrangement of the musical audible alert; the music of the musical audible alert; the tempo of the musical audible alert; and the volume of the musical audible alert.

18. (Previously Presented) The apparatus as claimed in claim 1, wherein the replacement musical sequence when played fades out the musical audible alert while it is being played.

19. (Previously Presented) The apparatus as claimed in claim 1 operable as a mobile telephone.

20. (Currently Amended) A mobile telephone, comprising:

an audio output section configured to alert a user to an incoming call by playing a musical audible alert;

a user input configured to cause an incoming call to be answered; and

a controller configured, responsive to the user input being activated to answer an incoming call, ~~configured~~ to control the audio output section to terminate the musical audible alert while the musical audible alert is being played~~, in response to the user input or after the musical audible alert has been playing for more than a predetermined threshold duration,~~ by playing a replacement musical sequence, where the replacement musical sequence is played

as a conclusion to the musical audible alert.

21. (Currently Amended) The mobile telephone as claimed in claim 20, further comprising a radio transceiver wherein the controller, responsive to the user input, controls the radio transceiver, after a delay, to accept the incoming telephone call, the controller being configured to terminate the musical audible alert and begin playing the replacement musical sequence if the user input has not been activated and the musical audible alert has played beyond a predetermined threshold duration, the controller being configured to terminate the musical audible alert and begin playing the replacement musical sequence if the user input has been activated.

22. (Currently Amended) A memory embodying a data file comprising a replacement musical sequence to be played to terminate an electronic device musical audible alert while the musical audible alert is being played, the replacement musical sequence being played in response to a user input for answering an incoming call ~~or after the musical audible alert has been playing for more than a predetermined threshold duration,~~ where the replacement musical sequence is played as a conclusion to the musical audible alert.

23. (Currently Amended) The memory embodying a data file as claimed in claim 22 , the data file further comprising additional replacement musical sequences, wherein if a user input has not been activated, then if the musical audible alert has played beyond a predetermined threshold duration, the musical audible alert is terminated. wherein, if the user input has been activated, the musical audible alert is terminated.

24. (Previously Presented) The memory embodying a data file as claimed in claim 22, the data file further comprising the musical audible alert for the electronic device.

25. (Previously Presented) The memory embodying a data file as claimed in claim 24, the data file further comprising a plurality of conditional branching markers each of which is associated with a replacement musical sequence.

26. (Currently Amended) A memory embodying a musical data file, configured to produce a musical audible alert in an electronic device, the musical data file comprising a plurality of conditional branching markers each of which is associated with a replacement musical sequence to be played to terminate the musical audible alert while it is being played~~, where the replacement musical sequence associated with a particular position of the musical audible alert is played in response to a user input or after the musical audible alert has been playing for more than a predetermined threshold duration, where the~~ by playing the replacement musical sequence ~~is played~~ as a conclusion to the musical audible alert beginning at that time position of the conditional branching marker within the musical data file only when a condition associated with the conditional branching marker has been fulfilled.

27. (Cancelled)

28. (Currently Amended) An apparatus, comprising:

a controller; and

a memory configured to store a plurality of ~~musical audible alerts each of which comprises a~~ replacement musical sequences ~~sequence~~,

the controller, in conjunction with the memory, configured to cause the apparatus to perform actions as follows:

~~detect termination of a time out period that is started upon detection of an initiation of an incoming call;~~

detect answering of the incoming call; and

in response to the incoming call being answered, terminate a musical audible alert for the incoming call while the musical audible alert is being played at the apparatus by playing a replacement musical sequence from the plurality of replacement musical sequences as a conclusion of the musical audible alert ~~when at least one termination of the time out period is detected and the incoming call is answered~~, the replacement musical sequence ~~musical audible alert~~ being downloadable from a server to the apparatus via a communication network~~; and~~

~~play the replacement musical sequence as a conclusion of the musical audible alert~~.

29. (Canceled).

30. (Currently Amended) A method, comprising:

determining a call is incoming:

playing by a controller an musical audible alert and setting a timer when the incoming call is determined,

determining if ~~there has been~~ the incoming call has been answered;

if it is determined that the incoming call has not been answered, then determining if the timer has timed out;

if it is determined the timer has timed out or if it is determined that the call has been answered,

then playing a replacement musical sequence as a conclusion of the musical audible alert, thereby terminating the playing of the ~~original~~ musical audible alert.

31. (Currently Amended) A method, comprising:

detecting by a transceiver that a mobile telephone has an incoming call;

~~starting a time out period upon detecting the incoming call;~~

starting playing by a controller of a musical audible alert;

checking for ~~detecting~~ by the controller a user input generated for answering the call;

~~detecting expiration of the time out period;~~ and

in response to detecting ~~at least one of~~ the user input for answering the call ~~and the expiration of the time out period~~, terminating by the controller the playing of the musical audible alert by playing a replacement musical sequence~~, where the replacement musical sequence is played~~ as a conclusion of the musical audible alert.

32. - 33. (Cancelled)

34. (New) The apparatus as claimed in claim 1, wherein, if a user input has not been activated, then if the musical audible alert has played beyond a predetermined threshold duration, the musical audible alert is terminated, wherein, if the user input has been activated,

the musical audible alert is terminated.